

CHAPTER 7 COMMERCIAL DISTRICTS**Section**

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700 NEIGHBORHOOD SHOPPING DISTRICTS (C-1)

- 700.1 The Neighborhood Shopping (C-1) District is designed to provide convenient retail and personal service establishments for the day-to-day needs of a small tributary area, with a minimum impact upon surrounding residential development.
- 700.2 Each C-1 District shall only permit low-bulk development and, in general, shall be mapped only in outlying areas.
- 700.3 Some community facilities, housing, and mixed uses, as well as the usual neighborhood shopping and service establishments, shall be permitted.
- 700.4 Except as provided in chapters 20 through 25 of this title, in a C-1 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 701 through 711.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.))).

SOURCE: §§ 5101.1 and 5101.2 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8389 (October 20, 2000).

701 USES AS A MATTER OF RIGHT (C-1)

- 701.1 The following service establishments shall be permitted in a C-1 District as a matter of right:
 - (a) Bank or other financial institution;
 - (b) Bar or cocktail lounge;

- (c) Barber or beauty shop;
- (d) Cobbler or shoe repair shop;
- (e) Collection station for dry-cleaning, dying, or laundry;
- (f) Dressmaking shop or establishment;
- (g) Frozen food locker for family or individual use only;
- (h) Gasoline service station existing on May 12, 1958;
- (i) Gasoline service station as an accessory use to a parking garage or public storage garage, subject to the provisions of chapter 23 of this title; provided:
 - (1) All portions of the gasoline service station shall be located entirely within the garage;
 - (2) No part of the accessory use shall be visible from a sidewalk; and
 - (3) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;
- (j) Laundry, self-service, not exceeding twenty-five hundred square feet (2,500 ft.²) of gross floor area;
- (k) Laundry or dry cleaning establishment, not exceeding twenty-five hundred square feet (2,500 ft.²) of gross floor area;
- (l) Locksmith;
- (m) Newspaper distribution station;
- (n) Optician and optometrist;
- (o) Radio or television repairs;
- (p) Shoeshine parlor;
- (q) Tailor shop or valet shop not exceeding twenty-five hundred square feet (2,500 ft.²) of gross floor area; and
- (r) Watch repair shop.

- 701.2 Any use permitted in any R-5 District under §§ 350.4 and 350.5 or in the SP District under § 501, except a community-based residential facility for seven (7) or more persons not including resident supervisors or staff and their families, shall be permitted in a C-1 District as a matter of right.
- 701.3 A youth residential care home, community residence facility, or health care facility for seven (7) to eight (8) persons, not including resident supervisors or staff and their families, shall be permitted in a C-1 District as a matter of right; provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property.
- 701.4 The following retail establishments shall be permitted in a C-1 District as a matter of right:
- (a) Art supplies store;
 - (b) Automatic ice delivery station;
 - (c) Automobile accessories sales, excluding installation;
 - (d) Bakery; provided, that any manufacture of bakery goods shall be limited to goods retailed on the premises;
 - (e) Bicycle sales and repair;
 - (f) Book store;
 - (g) Camera or photographic supplies store;
 - (h) Cosmetics or toiletries store;
 - (i) Drug store or pharmacy;
 - (j) Electric appliance store, including television and radio sales;
 - (k) Flower stand or florist shop;
 - (l) Food or grocery store;
 - (m) Gift shop;
 - (n) Hardware store;

- (o) Hobby shop, including the sale of toys;
- (p) Jewelry store;
- (q) Restaurant, but not including a fast food restaurant, drive-in restaurant, or a food delivery service;
- (r) Music store;
- (s) Newsstand;
- (t) Notions or novelty store;
- (u) Off-premises alcoholic beverages sales;
- (v) Paint store;
- (w) Sporting goods store;
- (x) Stationery store;
- (y) Tobacco products store; and
- (z) Variety store.

701.5 Other service or retail use similar to that provided for in §§ 701.1 and 701.4, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises, shall be permitted in a C-1 District as a matter of right.

701.6 The following uses shall also be permitted in a C-1 District as a matter of right:

- (a) Telephone exchange, electric substation using non-rotating equipment, and natural gas regulator station;
- (b) Library;
- (c) Office, except new chancery and international organization;
- (d) Parking lot, parking garage, or public storage garage, subject to the provisions of chapter 23 of this title;
- (e) Chancery;

- (f) College, university, or other academic institution of higher learning;
- (g) **[REPEALED]** 49 DCR 8891, 8894 (September 27, 2002)
- (h) Hotel or inn; and
- (i) Rooming or boarding house; provided:
 - (1) No sign is displayed on the premises;
 - (2) No advertisement is displayed or published on or off the premises holding out the establishment to be a hotel, motel, inn, hostel, bed and breakfast, private club, tourist home, guest house, or other transient accommodation;
 - (3) Cooking facilities are not provided in any individual unit; and
 - (4) In a rooming house, no central dining or food preparation area is provided for guests.

701.7 Subject to the procedure in § 701.9, one ground-mounted antenna, not to exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground, shall be permitted as a matter of right in a C-1 District; provided:

- (a) The antenna is located in either the rear yard or the side yard of the principal building on the lot;
- (b) The antenna is not visible from any street that the lot abuts or from any public park within the Central Employment Area;
- (c) Each part of the antenna is removed from all lot lines by a minimum distance of ten feet (10 ft.);
- (d) The antenna, to the maximum practical extent, shall be of black mesh construction or of materials and colors that blend with the surroundings; and
- (e) The installation shall include screening treatments as necessary to ensure compliance with paragraph (b) of this subsection, and, to the maximum practical extent, to reduce the adverse impact of the visibility of the antenna from adjacent property.

701.8 Subject to the procedure in § 701.9, one roof-mounted antenna shall be permitted as a matter of right in a C-1 District; provided:

- (a) Each part of the antenna is removed from all edges of the roof a minimum distance equal at least to its height above the roof;
- (b) The antenna, to the maximum practical extent, shall be of black mesh construction or of materials and colors that blend with the surroundings;
- (c) The installation shall be located and screened so as to minimize the view of the antenna from the ground;
- (d) If the antenna is located on the roof of a building that has a height of sixty-five feet (65 ft.) or less, the antenna shall not be visible from the ground;
- (e) If the height of the roof is ninety feet (90 ft.) or less, the mounted height of the antenna at its highest point shall not exceed twelve feet (12 ft.) above the roof; and
- (f) If the height of the roof exceeds ninety feet (90 ft.), the mounted height of the antenna at its highest point shall not exceed eighteen feet, six inches (18 ft., 6 in.), above the roof.

701.9 The following procedure shall apply to an application for approval of an antenna under §§ 701.7 or 701.8:

- (a) Before taking final action on an application, the Zoning Administrator shall submit the application to the Director of the D.C. Office of Planning for review and report; and
- (b) The Director shall report to the Zoning Administrator either within thirty (30) days of the date of submission of the application to the Director, or within such longer or shorter period upon which the applicant, the Zoning Administrator, and the Director may agree.

SOURCE: § 5101.3 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 27 DCR 2066, 2071 (May 16, 1980); Final Rulemaking published at 28 DCR 3482, 3504 (August 7, 1981); Final Rulemaking published at 30 DCR 3270, 3274 (July 1, 1983); Final Rulemaking published at 32 DCR 4374, 4375 (July 26, 1985); Final Rulemaking published at 36 DCR 1509, 1571 (February 24, 1989); Final Rulemaking published at 36 DCR 7625, 7626 (November 3, 1989); Final Rulemaking published at 40 DCR 726 (January 22, 1993); Final Rulemaking published at 40 DCR 3744 (June 11, 1993); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8389-90 (October 20, 2000); and Final Rulemaking published at 49 DCR 8891, 8894 (September 27, 2002).

702 ACCESSORY USES AND BUILDINGS (C-1)

- 702.1 A mechanical amusement machine shall be permitted in a C-1 District as an accessory use incidental to the uses permitted in §§ 701 through 711; provided, that the machine shall be subject to the provisions of § 2501.
- 702.2 A child development home shall be permitted in a C-1 District as an accessory building and use incidental to the uses permitted in §§ 701 through 711; provided:
- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
 - (b) The use otherwise shall meet the definition of a home occupation.
- 702.3 An elderly day care home shall be permitted in a C-1 District as a matter of right as an accessory use incidental to the uses permitted in §§ 701 through 711; provided:
- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
 - (b) The use otherwise shall meet the definition of a home occupation.
- 702.4 Other accessory uses customarily incidental and subordinate to the uses permitted in C-1 Districts shall be permitted in a C-1 District.

SOURCE: § 5101.6 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 29 DCR 4913, 4915 (November 5, 1982); Final Rulemaking published at 46 DCR 8284, 8288 (October 15, 1999); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8391 (October 20, 2000).

703 [RESERVED]**704 SPECIAL EXCEPTIONS: GENERAL (C-1)**

- 704.1 The following uses as specified in §§ 706 through 711 shall be permitted as special exceptions in a C-1 District if approved by the Board of Zoning Adjustment under § 3104.

SOURCE: Final Rulemaking published at 42 DCR 5541, 5545 (October 6, 1995); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8391 (October 20, 2000).

705 PLANNING OFFICE REVIEW (C-1)

705.1 Upon receiving an application for an approval under §§ 706 through 711, the Board of Zoning Adjustment shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment.

705.2 The submitted application shall be accompanied by reviews in writing of all relevant District of Columbia departments and agencies, including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 5101.5 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8389 (October 20, 2000).

706 GASOLINE SERVICE STATIONS (C-1)

706.1 A gasoline service station established or enlarged after May 12, 1958, shall be permitted in a C-1 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of chapter 23 of this title and the provisions of this section.

706.2 **[DELETED]**

706.3 The station shall not be located within twenty-five feet (25 ft.) of a Residence District unless separated from the Residence District by a street or alley.

706.4 The operation of the use shall not create dangerous or other objectionable traffic conditions.

706.5 The Board may impose requirements pertaining to design, appearance, screening, or lighting, or other requirements it deems necessary to protect adjacent or nearby property.

706.6 Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space.

SOURCE: § 5101.41 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8391-92 (October 20, 2000).

707 UTILITIES (C-1)

- 707.1 A public utility pumping station, subject to any requirements pertaining to setbacks, or screening, or other requirements that the Board of Zoning Adjustment deems necessary for the protection of neighboring or adjacent property, shall be permitted in a C-1 District as a special exception if approved by the Board under § 3104.

SOURCE: § 5101.42 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 33 DCR 5898 (September 26, 1986); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8392 (October 20, 2000).

708 ACCESSORY PARKING SPACES (C-1)

- 708.1 Accessory parking spaces elsewhere than on the same lot or part of a lot on which any principal C-1 use is permitted, except for a one-family dwelling, when the parking spaces will be established within the square in which the principal use is located, shall be permitted in a C-1 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 510.

708.2 **[DELETED]**

SOURCE: § 5101.43 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8392 (October 20, 2000).

709 BOWLING ALLEYS (C-1)

- 709.1 A bowling alley shall be permitted in a C-1 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

709.2 **[DELETED]**

- 709.3 The use shall not be within twenty-five feet (25 ft.) of a Residence District unless separated from the Residence District by a street or alley.

- 709.4 Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

- 709.5 Accessory off-street parking spaces shall be required on the basis of a place of public assembly as provided by § 2101.1.

- 709.6 The Board may impose requirements pertaining to design, appearance, screening, lighting, additional off-street parking spaces, signs, or any other requirement it deems necessary for the protection of neighboring or adjacent property.

SOURCE: § 5101.44 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8392-93 (October 20, 2000).

710 AUTOMOBILE ACCESSORY SALES (C-1)

710.1 Automobile accessory sales, including installations when the operations are carried on entirely within a building, shall be permitted in a C-1 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 706.

710.2 **[DELETED]**

SOURCE: § 5101.45 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8393 (October 20, 2000).

711 COMMUNITY-BASED RESIDENTIAL FACILITIES (C-1)

711.1 Community-based residential facilities in the following subcategories shall be permitted in a C-1 District as a special exception if approved by the Board of Zoning Adjustment under § 3104:

- (a) Youth residential care home or community residence facility for nine (9) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 303;
- (b) Health care facility for nine (9) to three hundred (300) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 304;
- (c) Emergency shelter for five (5) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 305; and
- (d) Youth rehabilitation home, adult rehabilitation home, or substance abusers' home for one (1) to fifteen (15) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 306.

SOURCE: § 5101.46 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3504 (August 7, 1981); Final Rulemaking published at 40 DCR 726 (January 22, 1993); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8393 (October 20, 2000).

712 - 719 [RESERVED]

720 COMMUNITY BUSINESS CENTER DISTRICTS (C-2)

- 720.1 The Community Business Center (C-2) District is divided into C-2-A, C-2-B, and C-2-C Districts.
- 720.2 The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.
- 720.3 The C-2-A Districts shall be located in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers.
- 720.4 The C-2-A District shall permit development to medium proportions.
- 720.5 The C-2-A District shall accommodate a major portion of existing commercial strip developments.
- 720.6 The C-2-B District is designated to serve commercial and residential functions similar to the C-2-A District, but with high-density residential and mixed uses.
- 720.7 The C-2-B Districts shall be compact and located on arterial streets, in uptown centers, and at rapid transit stops.
- 720.8 In the C-2-B District, building use may be entirely residential or a mixture of commercial and residential uses.
- 720.9 The C-2-C District is designed to serve commercial and residential functions similar to the C-2-A District, but with higher density residential and mixed uses.
- 720.10 The C-2-C District is also designated for those areas previously zoned C-2-B, where the Zoning Commission had permitted a maximum floor area ratio of six (6.0).
- 720.11 The C-2-C Districts shall be compact and located in or near the Central Employment Area.
- 720.12 In the C-2-C District, buildings may be entirely residential, or may be a mixture of commercial and residential uses.
- 720.13 Except as provided in chapters 20 through 25 of this title, in a C-2 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 721, 722, and 726 through 734.

SOURCE: §§ 5102.1 and 5102.2 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8393-93 (October 20, 2000).

721 USES AS A MATTER OF RIGHT (C-2)

721.1 Any use permitted in C-1 Districts under § 701 shall be permitted in a C-2 District as a matter of right.

721.2 In addition to the uses permitted in C-1 Districts by § 701.1, the following service establishments shall be permitted in a C-2 District as a matter of right:

- (a) Automobile laundry, with reservoir space for at least fifteen (15) automobiles;
- (b) Automobile rental agency;
- (c) Billiard parlor or pool hall;
- (d) Blueprinting or similar reproduction service;
- (e) Bowling alley; provided, that it shall be soundproof;
- (f) Catering establishment;
- (g) Dental laboratory;
- (h) Film exchange;
- (i) Funeral, mortuary, or undertaking establishment;
- (j) General indoor storage, not exceeding twenty-five hundred square feet (2,500 ft.²) of gross floor area;
- (k) Interior decorating shop;
- (l) Laundry, self service, with no limitations on the gross floor area;
- (m) Laboratory, optical;
- (n) Parcel delivery service;
- (o) Photographic studio;
- (p) Picture framing studio or shop;

- (q) Plumbing or heating shop, excluding outdoor storage;
- (r) Printing, lithographing, or photoengraving establishment, in each case not exceeding twenty-five hundred square feet (2,500 ft.²) of gross floor area;
- (s) Public bath, physical culture, or health service;
- (t) **[REPEALED]** 49 DCR 8891, 8894 (September 27, 2002)
- (u) Streetcar or bus passenger depot;
- (v) Tailor shop or valet shop, with no limitation on the gross floor area;
- (w) Telegraph office; and
- (x) Veterinary hospital.

721.3 In addition to the uses permitted in C-1 Districts by § 701.4, the following retail establishments shall be permitted in a C-2 District as a matter of right:

- (a) Antique store or shop;
- (b) Auction house;
- (c) Automobile accessories sales, including installations;
- (d) Automobile and truck sales;
- (e) Boat or other marine sales;
- (f) Department store;
- (g) Display stand or store for mail order sales;
- (h) Dry goods store;
- (i) Furniture store;
- (j) Home furnishings sales;
- (k) Ice sales;
- (l) Leather goods store;

- (m) Musical instruments and accessories sales;
- (n) Office supplies and equipment sales;
- (o) Optical goods store;
- (p) Pet shop;
- (q) Precision instrument sales;
- (r) Drive-in type restaurant; and
- (s) Fast food restaurant or food delivery service, only in a C-2-B or C-2-C District; provided:
 - (1) No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley;
 - (2) If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line;
 - (3) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District; and
 - (4) The use shall not include a drive-through.

721.4 Other service or retail use similar to that permitted in §§ 721.2 and 721.3, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises, shall be permitted in a C-2 District as a matter of right.

721.5 A youth residential care home, community residence facility, or health care facility for seven (7) to fifteen (15) persons, not including resident supervisors or staff and their families, shall be permitted in a C-2 District as a matter of right; provided, that there shall be no property containing an existing community-based residential facility for seven (7) or more persons either in the same square or within a radius of five hundred feet (500 ft.) from any portion of the subject property.

721.6 The following uses shall also be permitted in a C-2 District as a matter of right:

- (a) Assembly hall, auditorium, or public hall;
- (b) Theater, including movie theater; and
- (c) International organization.

SOURCE: § 5102.3 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 3482, 3504 (August 7, 1981); Final Rulemaking published at 30 DCR 3270, 3274 (July 1, 1983); Final Rulemaking published at 32 DCR 4374 (July 26, 1985); Final Rulemaking published at 40 DCR 726 (January 22, 1993); Final Rulemaking published at 40 DCR 3744, 3746 (June 11, 1993); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8389 (October 20, 2000); and Final Rulemaking published at 49 DCR 8891, 8894 (September 27, 2002).

722 ACCESSORY USES AND BUILDINGS (C-2)

722.1 A mechanical amusement machine shall be permitted in a C-2 District as an accessory use incidental to the uses permitted in §§ 721, 722, and 726 through 734, subject to provisions of § 2501.

722.2 A child development home shall be permitted in a C-2 District as an accessory building and use incidental to the uses permitted §§ 721, 722, and 726 through 734; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

722.3 Other accessory uses customarily incidental and subordinate to the uses permitted in C-2 Districts shall be permitted in a C-2 District.

SOURCE: § 5102.6 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 29 DCR 4913, 4915 (November 5, 1982); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8395 (October 20, 2000).

723 [RESERVED]

724 SPECIAL EXCEPTIONS: GENERAL (C-2)

724.1 The following uses as specified in §§ 726 through 734 shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104.

SOURCE: Final Rulemaking published at 42 DCR 5541, 5545 (October 6, 1995); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8395 (October 20, 2000).

725 PLANNING OFFICE REVIEW (C-2)

725.1 Upon receiving an application for an approval under §§ 726 through 734, the Board of Zoning Adjustment shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment.

725.2 The Planning Office report shall be accompanied by reviews in writing of all relevant District of Columbia departments and agencies, including the Departments of Transportation and Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

SOURCE: § 5102.5 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8396 (October 20, 2000).

726 GASOLINE SERVICE STATIONS (C-2)

726.1 A gasoline service station established or enlarged after May 12, 1958, or a repair garage not including body and fender work, shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 706 and chapter 23 of this title.

SOURCE: § 5102.41 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8396 (October 20, 2000).

727 MOTORCYCLE SALES AND REPAIR (C-2)

727.1 Motorcycle sales and repair shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

727.2 **[DELETED]**

727.3 The use and all its accessory facilities shall be located within a building.

727.4 No portion of a building used for motorcycle sales and repair shall be located within fifty feet (50 ft.) of a Residence or Special Purpose District.

727.5 The Board may impose additional requirements pertaining to location of buildings, other structures, entrances, exits, or soundproofing, or other requirements as the Board deems necessary to protect adjacent or nearby property.

SOURCE: § 5102.42 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8396 (October 20, 2000).

728 UTILITIES (C-2)

728.1 A public utility pumping station, subject to any requirements pertaining to setbacks, screening, or other requirement that the Board of Zoning deems necessary for the protection of adjacent or nearby property, shall be permitted in a C-2 District as a special exception if approved by the Board under § 3104.

728.2 **[DELETED]**

SOURCE: § 5102.43 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8397 (October 20, 2000).

729 LAUNDRY AND DRY CLEANING (C-2)

729.1 Enlargement of an existing laundry or dry cleaning establishment that contains more than twenty-five hundred square feet (2,500 ft.²) of gross floor area shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

729.2 **[DELETED]**

729.3 Any noise or odor shall not adversely affect the neighborhood.

729.4 Dangerous or otherwise objectionable traffic conditions shall not be created.

729.5 The Board may impose additional requirements as to the location of the building and other structures, the location of equipment, and other requirements as the Board deems necessary to protect adjacent or nearby property.

SOURCE: § 5102.44 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8397 (October 20, 2000).

730 ACCESSORY PARKING SPACES (C-2)

730.1 Accessory parking spaces elsewhere than on the same lot or part of a lot on which any principal C-2 use is permitted, except for a one-family dwelling, when the parking spaces will be established within the square in which the principal use is located, shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 510.

730.2 **[DELETED]**

SOURCE: § 5102.45 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8397 (October 20, 2000).

731 MESSAGE ESTABLISHMENTS (C-2)

731.1 Any establishment that has as a principal use the administration of massages shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

731.2 **[DELETED]**

731.3 The establishment shall be compatible with other uses in the area.

731.4 The use shall not be objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.

731.5 The establishment shall not have an adverse impact on religious, educational, or other institutional facilities located in the area.

SOURCE: § 5102.46 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 22 DCR 1901, 1902 (October 14, 1975); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8397-98 (October 20, 2000).

732 COMMUNITY-BASED RESIDENTIAL FACILITIES (C-2)

732.1 Community-based residential facilities in the following subcategories shall be permitted in a C-2 District as a special exception if approved by the Board of Zoning Adjustment under § 3104:

- (a) Youth residential care home or community residence facility for sixteen (16) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 358;
- (b) Health care facility for sixteen (16) to three hundred (300) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 359;
- (c) Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of § 360; and

- (d) Youth rehabilitation home, adult rehabilitation home, or substance abusers' home for one (1) to twenty (20) persons, not including resident supervisors or staff and their families, subject to the standards and requirements of §§ 358.2 through 358.7.

732.2 [DELETED]

SOURCE: § 5102.47 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 28 DCR 3482, 3505 (August 7, 1981); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8398 (October 20, 2000)

733 FAST FOOD RESTAURANTS IN C-2-A DISTRICTS

- 733.1 Fast food restaurants shall be permitted in a C-2-A District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.
- 733.2 No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.
- 733.3 If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.
- 733.4 Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.
- 733.5 The use shall not include a drive-through.
- 733.6 There shall be no customer entrance in the side or rear of a building that faces a street or alley containing a zone district boundary line for a Residence District.
- 733.7 The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.
- 733.8 The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees.

- 733.9 The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions.
- 733.10 There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site.
- 733.11 The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.
- 733.12 **[DELETED]**

SOURCE: Final Rulemaking published at 33 DCR 4374, 4375 (July 26, 1985); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8398-99 (October 20, 2000).

734 FOOD DELIVERY SERVICE IN C-2-A DISTRICTS

- 734.1 Food delivery service shall be permitted in the C-2-A District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3104 for special exceptions, subject to the provisions of this section.
- 734.2 No part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District unless separated therefrom by a street or alley.
- 734.3 If any lot line of the lot abuts an alley containing a zone district boundary line for a Residence District, a continuous brick wall at least six feet (6 ft.) high and twelve inches (12 in.) thick shall be constructed and maintained on the lot along the length of that lot line. The brick wall shall not be required in the case of a building that extends for the full width of its lot.
- 734.4 Any refuse dumpster shall be housed in a three (3) sided brick enclosure equal in height to the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District.
- 734.5 The use shall not include a drive-through.
- 734.6 The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions.
- 734.7 The use shall provide sufficient off-street parking, but not less than that required by § 2101.1 to accommodate the needs of patrons and employees.

- 734.8 The use shall be located and designed so as to create no dangerous or otherwise objectionable traffic conditions.
- 734.9 The Board may impose conditions pertaining to design, screening, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.
- 734.10 **[DELETED]**

SOURCE: Final Rulemaking published at 40 DCR 3744, 3745 (June 11, 1993); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8397 (October 20, 2000).

735 - 739 [RESERVED]

740 MAJOR BUSINESS AND EMPLOYMENT CENTERS (C-3)

- 740.1 The C-3 District is designed to accommodate major business and employment centers supplementary to the Central Business (C-4) District.
- 740.2 All C-3 Districts shall provide substantial amounts of employment, housing, and mixed uses.
- 740.3 The C-3 District shall be divided into C-3-A, C-3-B, and C-3-C Districts.
- 740.4 The C-3-A District shall permit medium density development, with a density incentive for residential development within a general pattern of mixed-use development.
- 740.5 The C-3-A Districts shall be compact in area and located on arterial streets, in uptown centers, and at rapid transit stops.
- 740.6 The C-3-B District shall permit medium density development, including office-retail, housing, and mixed uses. It is intended for uptown locations, where the largest component of development will be office-retail and other nonresidential uses.
- 740.7 The C-3-B Districts shall be compact in area and shall be located in or near the Central Employment Area, on arterial streets, in uptown centers, and at rapid transit stops.
- 740.8 C-3-C Districts shall permit medium-high density development, including office, retail, housing, and mixed-use development. They shall be compact in area.

- 740.9 Except as provided in chapters 20 through 25 of this title, in a C-3 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 741 through 744.

SOURCE: §§ 5103.1 and 5103.2 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2226 (May 23, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8399 (October 20, 2000).

741 USES AS A MATTER OF RIGHT (C-3)

- 741.1 Any use permitted in C-2 Districts under § 721 shall be permitted in a C-3 District as a matter of right.

- 741.2 In addition to the uses permitted in C-2 Districts by § 721.1, the following service establishments shall be permitted in a C-3 District as a matter of right:

- (a) Amusement enterprise, including penny arcade or shooting gallery;
- (b) Laundry or dry cleaning establishment, not exceeding five thousand square feet (5,000 ft.²) of gross floor area;
- (c) Gasoline service station as an accessory use to a mechanical parking garage, subject to the conditions for the accessory use in § 701.1(i); and
- (d) Printing, lithographing, or photoengraving establishment, with no limitation on gross floor area.

- 741.3 In addition to the uses permitted in C-2 Districts by § 721.3, the following retail establishments shall be permitted in a C-3 District as a matter of right:

- (a) Motorcycle sales and repair, only in C-3-C Districts; provided:
 - (1) The use and all its accessory facilities shall be located within a building; and
 - (2) No portion of a building used for motorcycle sales or repair shall be located within fifty feet (50 ft.) of a Residence or Special Purpose District;
- (b) Any establishment that has as a principal use the administration of massages, only in C-3-C Districts; provided, that no portion of the establishment shall be located within two hundred feet (200 ft.) of a Residence District; and

- (c) Fast food restaurant or food delivery service; provided, that in a C-3-A District, no part of the lot on which the use is located shall be within twenty-five feet (25 ft.) of a Residence District, unless separated therefrom by a street or alley.
- 741.4 Other service or retail use similar to that allowed in §§ 741.2 and 741.3 shall be permitted in a C-3 District, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises.
- 741.5 The following uses shall also be permitted as a matter of right in a C-3 District:
 - (a) Mechanical parking garage, only in C-3-C Districts;
 - (b) Public swimming pool; and
 - (c) Community-based residential facility.
- 741.6 Subject to the procedure in § 741.7, one ground-mounted antenna, not to exceed a mounted height of twenty feet (20 ft.) at its highest point above the ground, shall be permitted as a matter of right in a C-3 District; provided:
 - (a) The antenna is located in either the rear yard or the side yard of the principal building on the lot;
 - (b) The antenna is not visible from any street that the lot abuts, or from any public park that is within the Central Employment Area;
 - (c) Each part of the antenna is removed from all lot lines by a minimum distance of ten feet (10 ft.);
 - (d) The antenna, to the maximum practical extent, shall be of black mesh construction or of materials and colors that blend with the surroundings; and
 - (e) The installation shall include screening treatments necessary to ensure compliance with paragraph (b) of this subsection.
- 741.7 The following procedure shall apply for an application for the approval of an antenna under § 741.6:
 - (a) Before taking final action on the application, the Zoning Administrator shall submit the application to the D.C. Office of Planning for review and report; and

- (b) The Director shall report to the Zoning Administrator either within thirty (30) days of the date of submission of the application to the Director, or within such longer or shorter period upon which the applicant, the Zoning Administrator, and the Director may agree.

741.8 Electronic Equipment Facility (EEF) use under either or both of the following circumstances:

- (a) The EEF use occupies no more than twenty-five percent (25%) of the above ground constructed gross floor area of the building; or
- (b) The EEF use is located below ground floor.

SOURCE: § 5103.31 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 22 DCR 1901, 1902 (October 14, 1975); Final Rulemaking published at 27 DCR 2066, 2071 (May 16, 1980); Final Rulemaking published at 27 DCR 2226, 2228 (May 23, 1980); Final Rulemaking published at 28 DCR 3482, 3505 (August 7, 1981); Final Rulemaking at 32 DCR 4374, 4377 (July 26, 1985); Final Rulemaking published at 33 DCR 7499 (December 20, 1985); Final Rulemaking published at 36 DCR 1509, 1517 (February 24, 1989); Final Rulemaking published at 40 DCR 3744, 3747 (June 11, 1993); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8399-8400 (October 20, 2000); Final Rulemaking published at 48 DCR 9830, 9832 (October 26, 2001); and Final Rulemaking published at 49 DCR 1655 (February 22, 2002), incorporating by reference the text of Proposed Rulemaking published at 48 DCR 11159, 11160 (December 7, 2001).

742 ACCESSORY USES AND BUILDINGS (C-3)

742.1 A mechanical amusement machine shall be permitted in a C-3 District as an accessory use incidental to the uses permitted in §§ 741 through 744, subject to provisions of § 2501.

742.2 A child development home shall be permitted in a C-3 District as an accessory building and use incidental to the uses permitted in §§ 741 through 744; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

742.3 Other accessory uses customarily incidental and subordinate to the uses permitted in C-3 Districts shall be permitted in a C-3 District.

742.4 A drive-through accessory to a fast food restaurant, delicatessen, or carryout shall be permitted in a C-3 District, subject to the provisions for drive-throughs in § 2304.

SOURCE: § 5103.5 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 27 DCR 2226 (May 23, 1980); Final Rulemaking published at 29 DCR 4913, 4916 (November 5, 1982); Final Rulemaking published at 32 DCR 4374 (July 26, 1985); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8400-01 (October 20, 2000).

743 SPECIAL EXCEPTIONS (C-3)

- 743.1** A gasoline service station established or enlarged after December 20, 1985, a repair garage in any C-3 District, or a mechanical parking garage in C-3-A and C-3-B Districts, shall be permitted in a C-3 District as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of § 706 and chapter 23 of this title.
- 743.2** The following buildings and uses shall be permitted in a C-3 District as a special exception if approved by the Board of Zoning Adjustment under § 3104:
- (a) Motorcycle sales and repair in C-3-A and C-3-B Districts, subject to the conditions for the use in § 727;
 - (b) Public utility pumping station, subject to any requirements pertaining to setbacks, screening, or other requirements that the Board deems necessary for the protection of adjacent or nearby property;
 - (c) Enlargement of existing laundry or dry cleaning establishment that contains more than five thousand square feet (5,000 ft.²) of gross floor area, subject to the conditions for the use in § 729; and
 - (d) Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use is permitted in C-3 Districts, except for a one-family dwelling or motel, when the parking spaces will be established within the square in which the principal use is located, subject to the provisions of § 510.
- 743.3** Any establishment that has as a principal use the administration of massages may locate in a C-3 District within two hundred feet (200 ft.) of any Residence District, if approved by the Board of Zoning Adjustment as a special exception under § 3104; provided:
- (a) The establishment shall be compatible with other uses in the area;
 - (b) The use shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and

- (c) The establishment shall not have an adverse impact on religious, educational, or other institutional facilities located in the area.

743.4 A fast food restaurant shall be permitted in a C-3-A District, where the lot on which the use is located is within twenty-five feet (25 ft.) of a Residence District and not separated therefrom by a street or alley if approved by the Board of Zoning Adjustment as a special exception under § 3104; provided:

- (a) Any refuse dumpsters shall be housed in a three (3) sided brick enclosure equal to the height of the dumpster or six feet (6 ft.) high, whichever is greater. The entrance to the enclosure shall include an opaque gate. The entrance shall not face a Residence District;
- (b) The use shall be designed and operated so as not to become objectionable to neighboring properties because of noise, sounds, odors, lights, hours of operation, or other conditions;
- (c) The use shall provide sufficient off-street parking, but not less than that required by § 2101.1, to accommodate the needs of patrons and employees;
- (d) The use shall be located and designed so as to create no dangerous or other objectionable traffic conditions;
- (e) There shall be adequate facilities to allow deliveries to be made and trash to be collected without obstructing public rights-of-way or unreasonably obstructing parking spaces, aisles, or driveways on the site;
- (f) There shall be no customer entrance in the side or rear of a building that faces a zone district boundary line for a Residence District; and
- (g) The Board may impose conditions pertaining to design, screening, buffering, lighting, soundproofing, off-street parking spaces, signs, method and hours of trash collection, or any other matter necessary to protect adjacent or nearby property.

743.5 Each application submitted under § 743.4 shall be referred to the D.C. Office of Planning for coordination and review by all relevant District agencies, for report and impact assessment.

SOURCE: § 5103.4 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 27 DCR 2066, 2228 (May 16, 1980); Final Rulemaking published at 32 DCR 7499 (December 20, 1985); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8401-02 (October 20, 2000).

744 SEXUALLY-ORIENTED BUSINESSES (C-3)

- 744.1 A sexually-oriented business establishment shall be permitted in C-3-C Districts as a special exception only if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 744.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.
- 744.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, playground, or the area under the jurisdiction of the Commission of Fine Arts pursuant to the Shipstead-Luce Act, approved May 16, 1930 (46 Stat. 366, as amended; D.C. Official Code § 6-611.01 (formerly codified at D.C. Code § 5-410 (1994 Repl.))).
- 744.4 No portion of the establishment shall be located within three hundred feet (300 ft.) of any other sexually-oriented business establishment.
- 744.5 There shall be no display of goods or services visible from the exterior of the premises.
- 744.6 The establishment shall be compatible with other uses in the area.
- 744.7 The use shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.
- 744.8 The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area.

SOURCE: § 5103.47 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 24 DCR 5144, 5156 (December 16, 1977); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8402 (October 20, 2000).

745 ELECTRONIC EQUIPMENT FACILITIES (C-3)

- 745.1 An Electronic Equipment Facility (EEF) that does not qualify as a matter-of-right use under § 741.8 may be permitted as a special exception in a C-3 District if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 745.2 An EEF shall not occupy more than fifty percent (50%) of the constructed gross floor area of the building, unless approved as part of a planned unit development pursuant to chapter 24 of this title.

- 745.3 An applicant seeking a special exception for an EEF shall demonstrate, in addition to the requirements of § 3104, that the proposed use will not, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.
- 745.4 In evaluating whether an EEF will have any of the adverse impacts described in § 745.3, the Board shall consider, in addition to other relevant factors, the:
- (a) Absence of retail uses or a design capable of accommodating retail uses in the future;
 - (b) Presence of security or other elements in the design that could impair street life and pedestrian flow;
 - (c) Disruption of existing or elimination of officially proposed pedestrian or vehicular routes; and
 - (d) Inability of the EEF to be adapted in the future for permitted uses.
- 745.5 The Board, in weighing the potentially adverse factors listed in § 745.4(a) through (d), shall consider the economic development potential of the area in which the EEF is proposed to be established and shall give greater negative weight to these factors if the EEF is to be located in proximity to an existing or proposed Metrorail station or along a pedestrian corridor.
- 745.6 The Board may give positive weight to any economic benefits that the proposed EEF will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development.
- 745.7 The Board may impose requirements pertaining to design, appearance, landscaping, parking, and other such requirements as it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life.

SOURCE: Final Rulemaking published at 48 DCR 9330, 9832-34 (October 26, 2001); as amended by Final Rulemaking published at 49 DCR 1655 (February 22, 2002), incorporating by reference the text of Proposed Rulemaking published at 48 DCR 11159, 11161 (December 7, 2001).

746 - 749 [RESERVED]

750 CENTRAL BUSINESS DISTRICT (C-4)

- 750.1 The Central Business (C-4) District shall be designed for the downtown core that comprises the retail and office centers for both the District of Columbia and the metropolitan area.

750.2 The C-4 District shall be large enough to provide an adequate area for a variety of commercial, retail, and business uses to serve the metropolitan area, but nevertheless compact enough to retain its identity.

750.3 The C-4 District also shall contain high-density residential and mixed use developments.

750.4 Except as provided in chapters 20 through 25 of this title, in a C-4 District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in §§ 751 through 755.

SOURCE: §§ 5104.1 and 5104.2 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8403 (October 20, 2000).

751 USES AS A MATTER OF RIGHT (C-4)

751.1 The conversion of gross floor area in an existing structure from above ground parking to any use permitted in the C-4 District shall be permitted in a C-4 District as a matter of right; provided:

- (a) The amount of area to be converted shall not exceed a floor area ratio of one (1.0);
- (b) The parking to be eliminated shall not be parking required under the provisions of this title; and
- (c) The area to be converted shall meet the requirements of all applicable codes and regulations of the District of Columbia for the proposed use.

751.2 The following uses also shall be permitted in a C-4 District as a matter of right:

- (a) Any use permitted in a C-3 District under § 741;
- (b) Gasoline service station subject to the provisions of chapter 23 of this title; and
- (c) Other similar service or retail use, including assemblage and repair clearly incidental to the conduct of a permitted service or retail establishment on the premises.

SOURCE: § 5104.3 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8403 (October 20, 2000).

752 ACCESSORY USES AND BUILDINGS (C-4)

- 752.1 A mechanical amusement machine shall be permitted in a C-4 District as an accessory use incidental to the uses permitted in §§ 751 through 754, subject to provisions of § 2501.
- 752.2 A child development home shall be permitted in a C-4 District as an accessory building and use incidental to the uses permitted in §§ 751 through 754; provided:
- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
 - (b) The use otherwise shall meet the definition of a home occupation.
- 752.3 Other accessory uses customarily incidental and subordinate to the uses permitted in C-4 Districts shall be permitted in a C-4 District.
- 752.4 A drive-through accessory to a fast food restaurant, delicatessen, or carryout shall be permitted in a C-4 District, subject to the provisions for drive-throughs in § 2304.

SOURCE: § 5104.5 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 29 DCR 4913, 4916 (November 5, 1982); Final Rulemaking published at 32 DCR 4374, 4377 (July 26, 1985); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8404 (October 20, 2000).

753 SPECIAL EXCEPTIONS (C-4)

- 753.1 The following buildings and uses shall be permitted in a C-4 District as a special exception if approved by the Board of Zoning Adjustment under § 3104:
- (a) Public utility pumping station, subject to any requirements pertaining to setbacks or screening, or other requirements the Board deems necessary for the protection of adjacent or nearby property;
 - (b) Enlargement of an existing laundry or dry cleaning establishment that contains more than five thousand square feet (5,000 ft.²) of gross floor area, subject to the conditions for the use in § 729; and
 - (c) Accessory parking spaces elsewhere than on the same lot or part of the lot on which any principal use is permitted in a C-4 District, except for a one-family dwelling or motel, when the parking spaces will be established within the square in which the principal use is located, subject to the provisions of § 510.

753.2 Any establishment that has as a principal use the administration of massages may locate in a C-4 District within two hundred feet (200 ft.) of any Residence District, if approved by the Board of Zoning Adjustment as a special exception under § 3104; provided:

- (a) The establishment shall be compatible with other uses in the area;
- (b) The use shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions; and
- (c) The establishment shall not have an adverse impact on religious, educational, or other institutional facilities located in the area.

SOURCE: § 5104.4 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 22 DCR 1901, 1902 (October 14, 1975); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8404 (October 20, 2000).

754 SEXUALLY-ORIENTED BUSINESSES (C-4)

754.1 A sexually-oriented business establishment shall be permitted as a special exception in a C-4 District, if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

754.2 No portion of the establishment shall be located within six hundred feet (600 ft.) of a Residence or Special Purpose District.

754.3 No portion of the establishment shall be located within six hundred feet (600 ft.) of a church, school, library, playground, or the area under the jurisdiction of the Commission of Fine Arts pursuant to the Shipstead-Luce Act, approved May 16, 1930 (46 Stat. 366, as amended; D.C. Official Code § 6-611.01 (formerly codified at D.C. Code § 5-410 (1994 Repl.))).

754.4 No portion of the establishment shall be located within three hundred feet (300 ft.) of any other sexually-oriented business establishment.

754.5 There shall be no display of goods or services visible from the exterior of the premises.

754.6 The establishment shall be compatible with other uses in the area.

754.7 The use shall not become objectionable because of its effect on the character of the neighborhood or because of noise, traffic, or other conditions.

- 754.8 The establishment shall not have an adverse impact on religious, educational, or governmental facilities located in the area.

SOURCE: § 5104.45 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 24 DCR 5144, 5146 (December 16, 1977); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8405 (October 20, 2000).

**755 DOWNTOWN HISTORIC PROPERTIES RESIDENTIAL
REHABILITATION INCENTIVE PROGRAM (C-4)**

- 755.1 This section authorizes the transfer of development rights from a qualifying rehabilitation project within the C-4 District to a receiving zone or lot established pursuant to § 1709.

- 755.2 A rehabilitation project within the C-4 District that provides for the construction of new apartment house use on-site shall qualify to earn transferable development rights, provided the project:

- (a) Retains and rehabilitates a building, consistent with plans approved pursuant to the Historic Landmark and Historic District Protection Act of 1978, effective March 3, 1979 (D.C. Law 2-144, as amended; D.C. Official Code §§ 6-1101 to 6-1115 (formerly codified at D.C. Code §§ 5-1001 to 5-1015 (1994 Repl. & 1999 Supp.))), that is designated as a historic landmark or determined to be a contributing building to a historic district by the Historic Preservation Review Board;
- (b) Retains sufficient historic fabric to constitute "whole building retention," as determined by the D.C. Office of Planning, Historic Preservation Division; and
- (c) Is undertaken pursuant to a building permit issued after May 8, 2000.

- 755.3 A rehabilitation project qualifying under § 755.2 shall earn two (2) square feet of transferable development rights for each one (1) square foot of new apartment house use developed.

- 755.4 In order to convey the transferable development rights provided for in this section, the owner of the building shall execute, file, and record an instrument of transfer as provided in § 1709.

- 755.5 Up to one-half (1/2) of the total number of transferable development rights generated by a qualifying rehabilitation project shall vest and may be transferred upon the owner's certification in writing and the Zoning Administrator's concurrence that fifty percent (50%) of the rehabilitation of the landmark or contributing building is complete and constructed in a manner consistent with the building permit for the project.

- 755.6 The remainder of the total number of transferable development rights generated by a qualifying rehabilitation project shall vest and may be transferred after the owner obtains written certification from the Historic Preservation Division of the completion, consistent with the building permit, of the landmark or contributing building.

SOURCE: Final Rulemaking published at 47 DCR 5871, 5873-74 (July 21, 2000).

756 ELECTRONIC EQUIPMENT FACILITIES (C-4)

- 756.1 An Electronic Equipment Facility (EEF) that does not qualify as a matter-of-right use under § 751 may be permitted as a special exception in a C-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to the requirements of this section.
- 756.2 An EEF shall not occupy more than fifty percent (50%) of the constructed gross floor area of the building, unless approved as part of a planned unit development pursuant to chapter 24 of this title.
- 756.3 An applicant seeking a special exception for an EEF shall demonstrate, in addition to the requirements of § 3104, that the proposed use will not, as a consequence of its design, operation, low employee presence, or proximity to other EEFs, inhibit future revitalization of the neighborhood, reduce the potential for vibrant streetscapes, deplete street life, or inhibit pedestrian or vehicular movement.
- 756.4 In evaluating whether an EEF will have any of the adverse impacts described in § 756.3, the Board shall consider, in addition to other relevant factors, the:
- (a) Absence of retail uses or of a design capable of accommodating retail uses in the future;
 - (b) Presence of security or other elements in the design that could impair street life and pedestrian flow;
 - (c) Disruption of existing or elimination of officially proposed pedestrian or vehicular routes; and
 - (d) Inability of the EEF to be adapted in the future for permitted uses.
- 756.5 The Board, in weighing the potentially adverse factors listed in § 756.4(a) through (d), shall consider the economic development potential of the area in which the EEF is proposed to be established and shall give greater negative weight to these factors if the EEF is to be located in proximity to an existing or proposed Metrorail station or along a pedestrian corridor.

- 756.6 The Board may give positive weight to any economic benefits that the proposed EEF will have on adjacent properties, including the potential for increased business activity within the neighborhood, if that activity will foster economic development.
- 756.7 The Board may impose requirements pertaining to design, appearance, landscaping, parking, and other such requirements as it deems necessary to protect adjacent property and to achieve an active, safe, and vibrant street life.

SOURCE: Final Rulemaking published at 48 DCR 9830, 9834-35 (October 26, 2001); as amended by Final Rulemaking published at 49 DCR 1655 (February 22, 2002), incorporating by reference the text of Proposed Rulemaking published at 48 DCR 11159, 11161-62 (December 7, 2001).

757 - 759 [RESERVED]

760 PENNSYLVANIA AVENUE DEVELOPMENT DISTRICT (C-5 (PAD))

- 760.1 The Pennsylvania Avenue Development (C-5 (PAD)) District is established to promote and protect the public health, safety, and general welfare and amenities in the area adjacent to the north side of Pennsylvania Avenue, N.W., between 10th Street and 15th Street, N.W., consistent with the goals and mandates of the U.S. Congress in the Pennsylvania Avenue Development Corporation Act of 1972, approved October 27, 1972 (86 Stat. 1266, as amended; 40 U.S.C. §§ 871-885), and in accordance with the development plan promulgated under that Act.
- 760.2 Beyond the general purposes specified in § 760.1, the C-5 (PAD) District shall be established to:
- (a) Encourage development to the potential permitted under the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), along a portion of the north side of Pennsylvania Avenue, N.W., as designated in that Act and the Pennsylvania Avenue Plan - 1974;
 - (b) Reinforce Pennsylvania Avenue's unique role as a physical and symbolic link between the White House and the U.S. Capitol;
 - (c) Improve land utilization in the prime location within the downtown core of Washington, D.C.;
 - (d) Improve the physical and economic relationship of the downtown core of Washington, D.C.;

- (e) Encourage an appropriate mix of retail, entertainment, restaurants, and other facilities to serve shoppers, tourists, and office populations; and
- (f) Encourage the development of appropriate public spaces for their symbolic value as well as for their public use.

760.3 Except as provided in chapters 20 through 25 of this title, in the C-5 (PAD) District, no building or premises shall be used and no building shall be erected or altered that is arranged, intended, or designed to be used except for one (1) or more of the uses listed in § 761.

SOURCE: Final Rulemaking published at 25 DCR 2726, 2734 (September 22, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8405-06 (October 20, 2000).

761 C-5 (PAD) DISTRICT USES

761.1 Any use permitted in a C-4 District under § 751 shall be permitted in the C-5 (PAD) District as a matter of right, except that a gasoline service station shall be permitted only as an accessory use to a parking garage subject to the conditions of § 701.1(i).

761.2 Uses as specified and controlled under §§ 753 and 754 shall be permitted in the C-5 (PAD) District if approved by the Board of Zoning Adjustment in accordance with the conditions specified in § 3104 for special exceptions.

761.3 Mechanical amusement machines shall be permitted in a C-5 (PAD) District as an accessory use incidental to the uses permitted in this section, subject to the provisions of § 2501.

761.4 A child development home shall be permitted in the C-5 (PAD) District as an accessory use incidental to the uses permitted in this section; provided:

- (a) The dwelling unit in which the use is located shall be the principal residence of the caregiver; and
- (b) The use otherwise shall meet the definition of a home occupation.

761.5 Other accessory uses customarily incidental and subordinate to the uses permitted in the C-5 (PAD) District shall be permitted in the C-5 (PAD) District if approved by the Board of Zoning Adjustment in accordance with the conditions specified under § 3104 for special exceptions.

761.6 A drive-through accessory to a fast food restaurant, delicatessen, or carryout shall be permitted in the C-5 (PAD) District, subject to the special provisions for drive-throughs in § 2304.

SOURCE: Final Rulemaking published at 25 DCR 2726, 2734 (September 22, 1978); as amended by: Final Rulemaking published at 29 DCR 4913, 4916 (November 5, 1982); Final Rulemaking published at 32 DCR 4374, 4378 (July 26, 1985); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8406 (October 20, 2000).

762 C-5 (PAD) DISTRICT BONUS INCENTIVE SYSTEM

- 762.1** For the purpose of encouraging public amenities, development design, and in-town residential uses, the maximum permissible floor area ratio for a building or other structure in the C-5 (PAD) District specified in § 771 may be increased by a maximum additional floor area ratio of two (2.0) for the improvements or amenities listed in § 762.4; provided, that the criteria in §§ 763 through 767 shall be satisfied.
- 762.2** Where floor area or floor area ratio is awarded in addition to that specified in § 762.1, the addition to the floor area ratio of the building or other structure created by the award may be used to exceed the floor area ratio limit in the C-5 (PAD) District prescribed in § 771. That limit shall not be exceeded by more than two (2.0) floor area ratio, even though more floor area ratio may be accrued by award under § 762.1 and this section.
- 762.3** In addition to those areas of a building normally included in the computation of gross floor area, the floor area of the following improvements or amenities shall be included in computing the gross floor area of the building of which they are a part:
- (a) Open arcade;
 - (b) Pedestrian space; and
 - (c) Through square connection.
- 762.4** The following bonus incentives (including the maximum floor area bonus or floor area ratio bonus) shall be available in the C-5 (PAD) District:
- (a) **Open arcade** - three gross square feet (3 ft.²) may be added to the gross floor area of the building for each square foot of open arcade provided in accordance with § 763;
 - (b) **Enclosed pedestrian space** - four gross square feet (4 ft.²) may be added to the gross floor area of the building for each square foot of enclosed pedestrian space provided in accordance with § 764;
 - (c) **Through square connection** - four gross square feet (4 ft.²) may be added to the gross floor area of the building for each square foot of through square connection provided in accordance with § 765;

- (d) **Theaters** - four gross square feet (4 ft.²) may be added to the gross floor area of the building for each square foot of a legitimate theater or performing arts facility containing a minimum of one hundred fifty (150) seats. Where a legitimate theater or performing arts facility contains twelve hundred (1,200) or more seats, an award of eight gross square feet (8 ft.²) for each square foot of facility may be made. The increase in bulk shall be granted in accordance with § 766;
- (e) **Residential uses** - additional gross floor area equal to a floor area ratio of one (1.0) shall be granted where twenty (20) or more residential units of any size are provided; and
- (f) **Closed court** - fifteen gross square feet (15 ft.²) may be added to the gross floor area of the building for each square foot of closed court in excess of the area requirement specified in § 776 for the C-5 (PAD) District in accordance with § 767.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10779 (June 16, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8406-07 (October 20, 2000).

763 OPEN ARCADE CRITERIA (C-5 (PAD))

- 763.1 Where an open arcade is provided, it shall meet the criteria of this section to qualify for the award of the bonus specified in § 762.4.
- 763.2 An open arcade for its entire length shall be along the perimeter of a building and shall adjoin a street.
- 763.3 An open arcade shall also be open to the street it adjoins, except for structural piers, columns, or arches.
- 763.4 An open arcade shall have an unobstructed and continuous passageway for its entire length of no less than ten feet (10 ft.) in width at any point.
- 763.5 An open arcade shall be no less than fifteen feet (15 ft.) in height at any point within the arcade.
- 763.6 An open arcade shall have its floor at the same level and continuous with the sidewalks, and shall connect to existing adjoining open arcades or shall be constructed to permit the connection in the future.
- 763.7 The use of the area within an open arcade shall be restricted essentially to pedestrian uses. Vehicular access to or through an open arcade shall be minimized.

- 763.8 An open arcade shall have retail and service uses fronting on it, with those uses directly accessible from the open arcade and the adjoining street.
- 763.9 The floor area bonus awarded for the provision of an open arcade shall be computed on the basis of the floor area embraced within the boundary of the open arcade.
- 763.10 Where vehicular access is permitted across an open arcade, that portion of the open arcade used as vehicular access space shall be excluded from the computation of the floor area of the open arcade for the purpose of determining the bonus incentive award under § 762.4.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10781 (June 16, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8407 (October 20, 2000).

764 ENCLOSED PEDESTRIAN SPACE CRITERIA (C-5 (PAD))

- 764.1 Where an enclosed pedestrian space is provided in the C-5 (PAD) District, the space created shall meet the criteria of this section before the floor area bonus in § 762.4 can be awarded.
- 764.2 The space shall be directly accessible to the public and shall be located to provide direct or indirect access to the public space of the main floor of the building.
- 764.3 The ceiling height shall be a minimum of twenty feet (20 ft.) above any floor level of the enclosed pedestrian space.
- 764.4 There may be more than one (1) floor level in the enclosed pedestrian space, but inter-floor level barrier-free connections shall be required.
- 764.5 The average horizontal dimensions between any of the walls forming an enclosed pedestrian space shall be at least forty feet (40 ft.) wide, but at no point shall the width be less than thirty feet (30 ft.), measured at the main pedestrian circulation floor level of the space; except when an entrance to the enclosed pedestrian space is provided at the facade of the building, the width of the entrance shall be no less than twenty feet (20 ft.).
- 764.6 Pedestrian bridges, balconies, pennants, banners, lighting fixtures, mobiles, or other decorative elements shall be permitted overhead obstructions; provided, that they do not cover in the aggregate more than thirty percent (30%) of the floor area of the enclosed pedestrian space.
- 764.7 An enclosed pedestrian space shall be appropriately lighted.

- 764.8 Interfloor level connections, columns, or similar elements, planting, landscaping, ornamental fountains, statuary, bazaar furniture, kiosks, works of art, or other similar features shall be permitted within the enclosed pedestrian space; provided, that pedestrian circulation shall be barrier-free and shall not be hampered by the features.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10781 (June 16, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8407 (October 20, 2000).

765 THROUGH SQUARE CONNECTION CRITERIA (C-5 (PAD))

- 765.1 Where a through square connection is provided in the C-5 (PAD) District, the space created within the square as the connection shall meet the criteria of this section before additional gross square feet shall be awarded increasing the gross floor area of the building as specified in § 762.4.
- 765.2 The exterior entrances of a through square connection shall be at the same level as the street it adjoins.
- 765.3 A through square connection may be enclosed in whole or in part and shall have an average width of at least twenty feet (20 ft.), but at no point shall the width be less than fifteen feet (15 ft.).
- 765.4 A through square connection shall have a minimum height of twenty feet (20 ft.).
- 765.5 Except for a building or other structure occupying a through lot or corner lot bounded by three (3) streets, no bonus incentive for a through square connection shall be awarded unless the Board of Zoning Adjustment has determined that the requirement of a continuous connection through the square can be accomplished.
- 765.6 In the C-5 (PAD) District, a through square connection shall only be permitted between two (2) parallel or opposite streets.
- 765.7 A through square connection shall be appropriately lighted and open to the public.
- 765.8 A through square connection may contain ornamental fountains, sculptures, displays, or kiosks; provided, that pedestrian circulation shall be barrier-free and shall not be hampered by the features.
- 765.9 Only retail and service uses shall be provided along the through square connection.
- 765.10 A through square connection may be created by linking one (1) or more of the following:

- (a) Open arcade;
- (b) Portico;
- (c) Plaza;
- (d) Interior space or lobby of a building;
- (e) Court;
- (f) Rear yard;
- (g) Side yard; or
- (h) Enclosed pedestrian space.

765.11 The floor areas of the features listed in § 765.10 shall not be included in computing the floor area of the through square connection for determining the bonus incentive award under § 762.4.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10782 (June 6, 1978); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8407-08 (October 20, 2000).

766 THEATER CRITERIA (C-5 (PAD))

- 766.1 The Board of Zoning Adjustment may authorize within a C-5 (PAD) District an increase in bulk as specified in § 762.4 for any new building containing a legitimate theater or similar performing arts facility.
- 766.2 The Board may also prescribe appropriate conditions and safeguards to ensure the achievement of good design objectives and, in determining the precise extent of the increase permitted, the Board shall require that the requirements of this section be met.
- 766.3 The legitimate theater or similar performing arts facility shall be of a size and type appropriate for the C-5 (PAD) District.
- 766.4 Adequate supporting facilities associated with the operation of a legitimate theater or similar performing arts facility, such as rehearsal areas, studios, or storage space, shall be provided.
- 766.5 Open spaces, open arcades, through square connections, enclosed pedestrian spaces, mass transit, and vehicular circulation shall be adequate to accommodate the circulation of pedestrians or vehicles attracted by the facilities.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10783 (June 6, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8408 (October 20, 2000).

767 CLOSED COURTS CRITERIA (C-5 (PAD))

- 767.1 Where a closed court in the C-5 (PAD) District is enlarged for the purpose of obtaining an award of a bonus incentive, the criteria in this section shall be met.
- 767.2 A closed court shall be landscaped and may be used for a restaurant or a recreational exhibit purpose.
- 767.3 No permanent structure shall be permitted in the closed court, except structures incidental to the landscaping, such as fountains or art objects.
- 767.4 Temporary structures incidental to a cafe or an exhibit purpose shall be permitted.
- 767.5 A closed court for which a bonus incentive award is sought shall be directly accessible to the public and connected to the public space of the main floor of the building.
- 767.6 Vehicular access or use of the closed court shall be prohibited if a bonus incentive is awarded.
- 767.7 Only that portion of the area of a closed court in excess of the requirement under § 776 shall qualify for a bonus incentive as provided under § 762.4.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10783 (June 16, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8399 (October 20, 2000).

768 BONUS INCENTIVE PROCEDURES (C-5 (PAD))

- 768.1 Application, review, and award under the Bonus Incentive System shall be made to the Board of Zoning Adjustment.
- 768.2 The Board shall process the application in accordance with its normal rules of procedure.
- 768.3 Application shall be filed with the Board, which shall include the following information:

- (a) A statement describing the amenity to be provided and the bonus requested, including a detailed statement showing how the application meets the requirements of regulations;
- (b) A finished site plan showing the location and external dimensions of all buildings and other structures, utilities and other easements, walkways, driveways, plazas, planting, and any other open space;
- (c) A landscape plan showing all existing contour lines and landscaping to be retained and all new contours, planting, and landscaping;
- (d) A circulation plan, including pedestrian and vehicular access ways and areas devoted to parking and loading;
- (e) Floor plan of the level upon which a bonus element is proposed;
- (f) Architectural elevations for all open sides of the proposed building;
- (g) A computation of gross floor area and floor area ratio of the proposed bonus element; and
- (h) A development schedule for the total site showing:
 - (1) Total lot area;
 - (2) Total floor area ratio;
 - (3) Gross floor area devoted to each use;
 - (4) Total number of type of residential uses;
 - (5) Total number of off-street parking spaces; and
 - (6) Total number of off-street loading berths.

768.4 The Board shall review the application made under the Bonus Incentive System and may award additional square feet in an amount not to exceed the limitations in § 762.4, applying the criteria in §§ 763 through 767; provided, that the requirements of §§ 768.5 through 768.9 shall be met.

768.5 The application shall be consistent with the intent and purpose of the C-5 (PAD) District and encourage improved pedestrian circulation and activities, mixture of uses, and more attractive urban design.

- 768.6 The application shall have received the approval of the Pennsylvania Avenue Development Corporation.
- 768.7 The proposed development under a bonus award shall not significantly and adversely impact upon adjoining property.
- 768.8 Upon receiving an application for an approval under § 768.4, the Board shall submit the application to the D.C. Office of Planning for coordination, review, report, and impact assessment, along with review in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development, and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.
- 768.9 The Board of Zoning Adjustment may require other special conditions as it deems necessary to protect neighboring or adjacent property and to generally promote the public health, safety, and welfare.

SOURCE: Final Rulemaking published at 24 DCR 10769, 10784 (June 16, 1978); as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8408-09 (October 20, 2000).

769 [RESERVED]

770 HEIGHT OF BUILDINGS OR STRUCTURES (C)

- 770.1 Except as provided in this section and in chapters 20 through 25 of this title, the height of a building or structure in a Commercial District shall not exceed that set forth in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT	MAXIMUM HEIGHT
	(Feet)	(Stories)
C-1	40	3
C-2-A	50	No Limit
C-2-B, C-3-A	65	No Limit
C-3-B	70	6
C-2-C, C-3-C	90	No Limit
C-4	110	No Limit
C-5 (PAD)	130	No Limit

- 770.2 The height of buildings or structures specified in § 770.1 may be exceeded in the instances provided in §§ 770.3 through 770.8.

- 770.3 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over an elevator shafts, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.
- 770.4 In the C-4 District, a building or other structure may be erected to a height not exceeding one hundred thirty feet (130 ft.); provided, that the building or other structure shall face or abut a street not less than one hundred ten feet (110 ft.) wide between building lines.
- 770.5 In the C-5 (PAD) District, a building or other structure may be erected to a height not exceeding one hundred sixty feet (160 ft.); provided:
- (a) The height of the building or structure shall be measured only from the Pennsylvania Avenue curb at the middle of the front of the building or other structure to the highest point of the roof or parapet exclusive of any structure on the roof; and
 - (b) That portion of the building or other structure that exceeds one hundred thirty-five feet (135 ft.) in height shall be set back a minimum of fifty feet (50 ft.) from the building line along Pennsylvania Avenue.
- 770.6 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:
- (a) It shall meet the requirements of § 411;
 - (b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located;
 - (c) In the C-5 (PAD) District, it shall be set back from that portion of the perimeter of the roof fronting on a street a minimum distance equal to twice the height of the roof structure above the roof upon which it is located; and
 - (d) It shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.
- 770.7 Housing for mechanical equipment or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which it is located.
- 770.8 Where required by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), a height in excess of that permitted shall be authorized by the Mayor.

SOURCE: §§ 5201.1, 5201.2, and 5201.3 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980); Final Rulemaking published at 33 DCR 3975, 3978 (July 4, 1986); Final Rulemaking published at 36 DCR 1509, 1523 (February 24, 1989); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8409-10 (October 20, 2000).

771 FLOOR AREA RATIO (C)

771.1 Except as specified in §§ 771.5 and 771.6 and chapters 20 through 25 of this title, the maximum permitted floor area ratio of a building or structure in a Commercial District shall be as specified in this section.

771.2 For a building or structure for which an application for a building permit was filed on or after November 17, 1978, the maximum permitted floor area ratio shall be as set forth in the following table:

ZONE DISTRICT	APARTMENT HOUSE OR OTHER RESIDENTIAL USE	OTHER PERMITTED USE	MAXIMUM PERMITTED (FAR)
C-1	1.0	1.0	1.0
C-2-A	2.5	1.5	2.5
C-2-B	3.5	1.5	3.5
C-2-C	6.0	2.0	6.0
C-3-A	4.0	2.5	4.0
C-3-B	5.0	4.0	5.0
C-3-C	6.5	6.5	6.5
C-4	8.5	8.5	8.5
C-5 (PAD)	10.0	10.0	10.0

771.3 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, the maximum floor area ratio to be devoted to an "other permitted use" shall be as shown in the table in § 771.2. An "apartment house or other residential use" may occupy all or any portion of the building or structure.

771.4 **[DELETED]**

771.5 In the C-4 District, a building or structure that is erected to a height in excess of one hundred ten feet (110 ft.) as permitted in § 770.4 may have a floor area ratio not exceeding ten (10.0), except as provided in § 2405.2.

771.6 In the C-5 (PAD) District, the maximum permitted floor area ratio, as specified in §§ 771.1 through 771.3, may be increased as provided in §§ 762.1 and 762.2.

- 771.7 In the computation of gross floor area for a hotel, guestroom areas and service areas shall be charged against the floor area ratio for "apartment house or other residential use," as specified in §§ 771.1 through 771.3.
- 771.8 In the computation of gross floor area for a hotel, function rooms, exhibit space, and commercial adjuncts shall be charged against the floor area ratio for "other permitted use," as specified in §§ 771.1 through 771.3.
- 771.9 For the purposes of this section, an inn or community-based residential facility shall be charged against the floor area ratio for "apartment house or other residential use," as specified in §§ 771.1 through 771.3.

SOURCE: §§ 5301 through 5301.4 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 27 DCR 382 (January 25, 1980); Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8410-11 (October 20, 2000).

772 PERCENTAGE OF LOT OCCUPANCY (C)

- 772.1 In a Commercial District, no building or portion of a building devoted to a residential use, including accessory buildings but excluding hotels, shall occupy the lot upon which it is located in excess of the percentage of lot occupancy in the following table:

ZONE DISTRICT	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
C-1	60%
C-2-A	60%
C-3-A	75%
C-2-B, C-2-C	80%
C-3-B, C-3-C, C-4, C-5 (PAD)	100%

SOURCE: § 5302.1 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8411 (October 20, 2000).

773 RESIDENTIAL RECREATION SPACE (C)

- 773.1 When all or a portion of a building in a C-1, C-2, C-3, C-4, or C-5 (PAD) District is devoted to a residential use other than a one-family dwelling, flat, or hotel, recreation space shall be provided that is safe, secure, and suitably equipped or landscaped for the active or passive recreation use of the residents.

773.2 The residential recreation space required in § 773.1 shall be provided as specified in §§ 773.3 through 773.10.

773.3 An area equal to not less than the following percentage of the gross floor area devoted to residential use shall be provided as residential recreation space:

ZONE DISTRICT	MAXIMUM PERCENTAGE OF GROSS FLOOR AREA
C-1, C-2-A	20%
C-2-B, C-2-C, C-3-A	15%
C-3-B, C-3-C	10%
C-4, C-5 (PAD)	5%

773.4 Residential recreation space may be located at ground level, on or above the residential plane, on rooftops, or within a building or other structure.

773.5 The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony or a portion of it adjoins an individual residential unit and is accessible only from that unit.

773.6 Rooftops that contain recreation space may have a parapet wall not to exceed five feet (5 ft.) in height.

773.7 If any portion of a roof is to be used for residential recreation space, the roof area shall have no dimension less than twenty-five feet (25 ft.).

773.8 No less than fifty percent (50%) of the total residential recreation space shall be outdoors.

773.9 Residential recreation space shall be physically accessible to all residents of the building served by that space.

773.10 The floor area devoted to residential recreation space shall not be counted in determining the number of off-street parking spaces or loading berths.

SOURCE: § 5302.2 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 26 DCR 1794 (October 19, 1979); Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8411 (October 20, 2000).

774 REAR YARDS (C)

- 774.1 Except as provided in this section, a rear yard shall be provided for each structure located in a Commercial District, the minimum depth of which shall be as prescribed in the following table:

ZONE DISTRICT AND STRUCTURE	MINIMUM DEPTH OF REAR YARD
C-1 All structures	20 feet
C-2-A, C-2-B, C-2-C All structures	15 feet
C-3-A, C-3-B, C-3-C, C-4, C-5 (PAD) All structures	2-1/2 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet

- 774.2 The Board of Zoning Adjustment may waive the rear yard requirements of this section pertaining to C-3-A, C-3-B, C-3-C, and C-4 Districts in accordance with the requirements of § 3104 for special exceptions; provided, that the standards in §§ 774.3 through 774.6 shall be met.
- 774.3 Apartment and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.
- 774.4 In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.
- 774.5 The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.
- 774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office of Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

- 774.7 In a C-1, C-2, or C-3-A District, where a lot upon which a building or other structure is located abuts an alley, the rear yard, as required by §§ 774.1 through 774.6, may be measured as follows:
- (a) For that portion of the structure below a horizontal plane twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure from the center line of the alley to the rear wall of the portion; and
 - (b) For that portion of the structure above the horizontal plane described in § 774.7(a), the depth of rear yard shall be measured from the rear lot line to the rear wall of that portion immediately above the plane.
- 774.8 Subsection 774.7 shall not apply to any one-family dwelling.
- 774.9 In the C-3-B, C-3-C, C-4, and C-5 (PAD) Districts, the depth of rear yard required in §§ 774.1 through 774.6 may be measured as follows:
- (a) Where a lot abuts an alley, the depth of rear yard may be measured from the center line of the alley, to the rear wall of the building or other structure. A rear yard on the lot need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane;
 - (b) Where a lot does not abut an alley, the depth of rear yard shall be measured as specified in the definition of rear yard in § 199.1, except a rear yard need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the twenty foot (20 ft.) plane; and
 - (c) In the case of a corner lot, a court complying with the width requirements for a closed court as specified in § 776 may be provided in lieu of a rear yard. For the purpose of this section, the required court shall be provided above a horizontal plane beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building, and the width of the court shall be computed for the entire height of court.
- 774.10 Subsection 774.9 shall not apply to any one-family dwelling.
- 774.11 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure.

SOURCE: §§ 5303.1 through 5303.1 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2226, 2227 (May 23, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8411-12 (October 20, 2000).

775 SIDE YARDS (C)

- 775.1 Side yards shall be provided for structures in a Commercial District as specified in this section.
- 775.2 A one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.
- 775.3 A one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.
- 775.4 No side yard shall be required for a hotel; but if a side yard is provided, the width of the yard shall be as follows:
- (a) In a C-1, C-2, or C-3-A District: three inches (3 in.) wide for each foot of height of building, but not less than eight feet (8 ft.); and
 - (b) In a C-3-B, C-3-C, C-4, or C-5 (PAD) District: two inches (2 in.) wide for each foot of height of building, but not less than six feet (6 ft.).
- 775.5 No side yard shall be required for any other building or structure; but if a side yard is provided, it shall be at least two inches (2 in.) wide for each foot of height of building, but not less than six feet (6 ft.).

SOURCE: § 5303.4 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 27 DCR 2226, 2228 (May 23, 1980); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8412 (October 20, 2000).

776 COURTS (C)

- 776.1 Where a court is provided for a building or portion of a building devoted to nonresidential uses, at any elevation in the court, the width of court shall be a minimum of three inches per foot (3 in./ft.) of height, measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than twelve feet (12 ft.).
- 776.2 In the case of a closed court for a building or portion of a building devoted to nonresidential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than two hundred fifty square feet (250 ft.²).

- 776.3 Where a court is provided for a building or portion of a building devoted to residential uses, at any elevation in the court, the width of court shall be a minimum of four inches per foot (4 in./ft.) of height, measured from the lowest level of the court to that elevation; provided, that in no case shall the width of court be less than fifteen feet (15 ft.).
- 776.4 In the case of a closed court for a building or portion of a building devoted to residential uses, the minimum area shall be at least twice the square of the width of court based upon the height of court, but not less than three hundred fifty square feet (350 ft.²).
- 776.5 In the case of a building devoted to both residential and nonresidential uses, the minimum width and area of a court shall be computed as follows:
- (a) When the residential and nonresidential uses are located on different floors of the building, the width and area requirements shall be computed for each use at the plane of each floor of the building; and
 - (b) When the residential and nonresidential uses are located on the same floor of the building, the width and area requirements for that plane shall be computed based on the requirements for a residential building in §§ 776.3 and 776.4.
- 776.6 For the purposes of this section, “residential uses” shall include dwellings, flats, multiple dwellings, hospitals, and community-based residential facilities.
- 776.7 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one (2:1).
- 776.8 No portion of a court niche shall be farther than three feet (3 ft.) from a point where the court niche is less than three feet (3 ft.) wide.
- 776.9 In the case of an alteration affecting the amount of light and ventilation required by other municipal law or regulation in an existing structure in a Commercial District, no legally required window shall be permitted to open onto a court that does not comply with the dimensions in §§ 776.1 through 776.4.

SOURCE: §§ 5305.1 and 5303.7 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 28 DCR 4192, 4196 (September 25, 1981); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8412 (October 20, 2000).

777 ROOF STRUCTURES (C)

- 777.1 The provisions of § 411 shall also regulate roof structures in the Commercial Districts.

- 777.2** The gross floor area of roof structures permitted under this section shall not be counted in determining the amount of off-street parking as required elsewhere in this title.

SOURCE: §§ 5306.1 and 5303.2 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8412 (October 20, 2000).